

drafts “post meeting minute’s information” to be disseminated and distributed, maintains essential records, reports and files, maintains databases and information, provides reports in support of the manager, researches and gathers all statistical, financial and informational data needed for all of the following reports that he completes and provides, answers surveys from vendors and government agencies related to statistics to legislative matters, and performs research and retrieves statistical data.

The appellant then provides the remainder of the definition, “...provides varied complex administrative services in support of a manger(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties.” He refers to his PCQ and electronic Performance Assessment Review (ePAR), for detail regarding his daily work functions and job responsibilities in which he repeatedly states that he is “coordinating”, “managing” and “administering.” For example, he states that he coordinates the board meeting investigative inquiry schedule, coordinates and facilitates workshops and symposiums at local colleges/universities/consumer fairs for licensees, students and the public on the requirements (statutes & regulations) and procedures on how to obtain a license in the design profession, creates and prepares PowerPoint presentations and other management materials such as surveys for the workshops and symposiums, is the guest speaker at events and makes presentations, represents the work unit for the Division, is the Internet Liaison Committee staff member, and states that he coordinated and created Frequently Asked Questions for the public and licensees. Next, he states that he coordinates the office workflow by liaising with various different Divisions, Departments and Agencies, consults with investigators, coordinates and oversees the exam testing of candidates for licensure by tracking candidates who must pass six exam divisions within a five-year time frame to become licensed.

The appellant explains that several years ago the Division developed and implemented a new organizational system change to all its Board operations by designating employees into groups of Teams with assignments on “Silos.” He states that there were three Silos: Administrative, Application and Complaint & Compliance. The Administrative and Complaint & Compliance silos share job responsibilities while the Application silo oversees all licensing responsibilities. He states that he was assigned the job responsibilities listed in all three Silos, and was told that he provides managerial and administrative support for his supervisor, and supervises the Board work unit. He argues that this assignment warrants a reclassification to the title of Senior Management Assistant. He argues that the Silo documentation he provides identifies supervisory and managerial “skills” needed to assist the Executive Director in providing office management assistance, and he has responsibility to supervise the various elements in the work unit, provide administrative support by supervising the activities of the board unit and

ensures compliance with his knowledge of organizational rules, regulations, policies and procedures. He states that he meets the qualifications for the requested title.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Agency Services Representative 3 states:

Under the general supervision of a supervisory official in a State department or agency or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.

The definition section of the job specification for Senior Management Assistant states:

Under the direction of a manager in a State department, institution or agency, or within a local government jurisdiction, provides varied, complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties.

Distinguishing characteristics:

The Management Assistant series is distinguished from the Secretarial Assistant series due to the assignment of professional duties such as administrative research, identifying, analyzing and recommending solutions to procedural and/or operational problems or processes, and report preparation. Work is typically assigned on a project basis and generally does not involve the reoccurring or repetitive review of information or data. Secretarial and other office clerical work may be assigned but should not be the primary emphasis of the position. Positions in this class typically act as the principal assistant to the

manager(s) regarding complex administrative matters, and help relieve them of administrative detail.

The Management Assistant series is distinguished from the Administrative Assistant series due to the ability to simultaneously provide administrative services to more than one manager. Positions providing administrative services to more than one manager on a temporary or short-term basis shall not be included in this class (e.g. Vacation/sick day coverage).

The organizational level of the manager(s) providing assignment is irrelevant to positions in this class, whereas positions in the Administrative Assistant series, by definition, are classified according to the organizational level of the manager they report to.

Employees at the senior level are delegated a high degree of responsibility for making recommendations to the manager involving complex administrative action, and may be responsible for implementing such recommendations. Employees frequently exercise independent judgment and make decisions concerning processes to be followed, the appropriateness of the information to be processed, and the actions to be taken. Work is performed independently requiring minimal review for adherence to instructions, plans and standards.

The major focus of positions classified as Agency Services Representatives is public contact. Incumbents spend a majority of their work time responding to questions and soliciting information, orally and in writing, from members of the general public, co-workers, and others for the purpose of processing agency documents. Other clerical support functions may be assigned from time to time, but should not be the primary emphasis of the position. In addition, the Agency Services Representative 3 performs more complex or sensitive work. They are expected to have considerable experience and familiarity with organizational procedures and rules, and provide specialized information of a varied nature. Also, incumbents at this level are expected to perform research and explain laws and regulations, and technical information. They resolve complex, varied and sometimes difficult issues and exercise independent judgment where clear precedent does not exist.

Agency Services indicated that the primary duties and responsibilities of the position include but are not limited to: processes the receipt, distribution and response to consumer complaints related to the practice of Architecture; responds to complaints in numerous/various forms and organizes complaint information and materials for Board Review; tracks complaints to ensure timely response and maintains records; distributes complex matters to Investigative staff as

appropriate; processes applications for licensure and examination; processes approval/denial letters and issues licenses to qualified individuals; prepares correspondence for signature including, but not limited to acknowledgement letters, cautionary letters, advisory letters, deficiency notices and letters to cease and desist; responds to licensure, examination, and penalty inquiries and complaints from customers, businesses and other government agencies via phone, letter and/or email; processes payments and fees received from applicants, licensees, and businesses; ensures payments are properly handled, forwarded, deposited, and documented in a timely manner; receives and reviews applications for licensure and examination; coordinates the Architects Registration Examination (ARE) testing of applicants for licensure; performs duties to ensure the smooth operation of complaint resolution and licensing related to the practice of Architecture, such as preparing presentations (including Power Point) and materials for Board Meetings; prepares monthly reports; processes OPRA requests and communicates with various individuals and organizations.

Auditees are expected to unambiguously list their duties and, according to the instructions, do so in a manner “so clear that persons unfamiliar with the work can understand exactly what is done. They were to list their duties, with percentages of time for each so that 100% of their time was accounted for. Also, each duty was to be assigned an order of difficulty. In this case, the appellant did not properly complete his PCQ. He separated out pages of duties into two categories, each performed 50% of the time. Also, he listed the first, “Administration, Complaints and Disciplinary” with an order of difficulty of 1. The remaining one, “Applications, examination and licensure” had an order of difficulty of 2. However, for the first category, the appellant listed four pages of duties in bulleted form, comprising 61 tasks. For the second category, the appellant listed five pages of duties in bulleted form, comprising 69 tasks. As such, the appellant should have listed 130 percentages of time, and an order of difficulty from 1 to 130. Essentially, the appellant was not responding to the amount of time performing each task, or the order of difficulty for each. Instead, the manner in which the appellant completed his PCQ obfuscated his actual work.

Additionally, the appellant indicated that he “managed” many of his tasks. For example, he states, “Manages and prepares application files for the Board meeting, evaluate education requirements/transcripts, work experience for applicant testing approval and/or licensure,” “Manages the processing of pertinent information that should be ...,” and “Manage the workflow of the processing of fiscal payments...,” and “Manage and prepare the Board’s Annual Report...” It is unclear how an individual “manages” the Board’s Annual Report, in addition to preparing it. Or how an individual “manages” the processing of information. Even so, classification reviews are not based on the number of “buzzwords” in the PCQ. In *In the Matter of Kimberly Morris* (MSB, decided September 21, 2005), it was noted that, to some degree, nearly all titles require incumbents to apply administrative

policies and procedures in the execution of their duties. At the most basic level, an employee could arguably “administer” almost anything as part of his or her regular work duties. The same can be said for managing tasks. One can manage his or her own time schedule, response time to inquiries, preparation of reports or surveys, etc., and not be in management.

When it is found that the majority of an incumbent’s duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. In this case, a classification review of the duties of the position found that the Agency Services Representative 3 title was appropriate. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed. The *primary* duties of the position at the time of the classification review fall within the parameters of the definition for Agency Services Representative 3. It cannot be determined if the appellant’s duties on appeal comprise the preponderance of his position, as he did not properly complete this PCQ by including percentages of time and importance for each duty, nor did he provide this information on appeal.

The appellant’s ePAR elucidates his actual duties. On his ePAR, his duties include; processing consumer complaints; Records/Fiscal management – manage the complaint case files; assist in the preparation of the agenda for Board meetings and Investigative Inquiry; attend Board meetings and Investigative Inquiry; prepare reports and draft correspondence for review by Executive Director; A.R.E. liaison to public and schools; back-up timekeeper; and Architect Registration Exam (ARE). Included in these duties are reviewing documents for accuracy and completeness, drafting correspondence and reports, logging in information, keeping a log summary, maintaining records, collecting and collating documents, depositing checks and maintaining payment schedules, providing and requesting information, keeping a calendar, speaking at schools and workshops and providing information on licensure requirements and processes, preparing materials and presentations, and timekeeping.

The Management Assistant title series requires a Bachelor’s degree, and is not a “super-clerical” or paraprofessional title. The focus of the duties of a Management Assistant is to assist in the coordination of management or administrative activities of an assigned unit or work area. Managerial responsibility involves formulating and implementing directives, directing work toward specific goals and objectives, authority over employees, budgets and equipment, planning overall work operations, establishing priorities and deadlines, setting performance standards, and devising and planning methods and procedures. The incumbent Senior Management Assistant acts as an assistant to a Manager, not in a supportive or secretarial function, but rather, to relieve the Manager of detail-oriented and time-consuming professional tasks, such as gathering data for

the manager to use in budget reports, or assisting in planning and implementing organizational changes and work systems. As noted above, the senior level title is delegated a high degree of responsibility for making recommendations to the manager involving complex administrative action, and may be responsible for implementing such recommendations. In contrast, the appellant performs the work of the unit, which is to administer and interpret the statutes and regulations of the Board of Architects pertaining to the practice of Architecture, and to regulate the Architect profession and evaluate the credentials of candidates for licensure and examination. The ePAR states that the appellant assists the Executive Director on an as needed basis, attending meetings and preparing reports and correspondence. However, he is also responsible for processing and managing consumer complaints, and providing guidance regarding examinations and licensing. A holistic review of the record does not support that providing varied, complex administrative services in support of a manager or assisting in the coordination of management/administrative activities is the primary focus of the position. While the appellant may perform some of these duties as needed, the majority of his tasks are providing front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents, providing specialized information to customers regarding department/agency programs and services, and handling complex and/or sensitive customer issues, requests and complaints.

While the appellant maintains that he meets the qualifications of the requested title, it is noted that how well or efficiently an employee does his job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009).

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Senior Management Assistant classification of his position.

ORDER

Therefore, the position of Joseph Abello III is properly classified as Agency Services Representative 3.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Joseph Abello III
Twanna Mckenzie-Waters
Division of Agency Services
Records Center